



# STATE OF INDIANA

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April 8, 2015

Ms. Leslie R. Hanson  
15 E. Berry St.  
Greencastle, IN 46135

*Re: Formal Complaint 15-FC-82; Alleged Violation of the Access to Public Records Act by the Putnam County Convention and Visitor Bureau Board of Directors*

Dear Ms. Hanson,

This advisory opinion is in response to your formal complaint alleging the Putnam County Convention and Visitor Bureau (“Bureau”) violated the Access to Public Records Act (“APRA”), Ind. Code § 5-14-3-1 *et. seq.* The Department has responded via Ms. Karla Lawless, Executive Director. Her response is enclosed for your review. Pursuant to Ind. Code § 5-14-5-10, I issue the following opinion to your formal complaint received by the Office of the Public Access Counselor on March 6, 2015.

## BACKGROUND

Your complaint dated March 5, 2015 alleges Putnam County Convention and Visitor Bureau violated the Access to Public Records Act by improperly charging a copy fee in violation of Ind. Code § 5-14-3-3(b).

On February 18, 2015, you submitted to the Bureau a public records request seeking a copy of the bylaws and minutes from the last quarter of 2014. You were informed the charge would be \$1.00 per page. On February 27, 2015 you retrieved your records and were charged \$20.00 for 20 pages. You contend this fee is improper.

## ANALYSIS

The public policy of the APRA states that “a (p)roviding person with information is an essential function of a representative government and an integral part of the routine duties of public officials and employees, whose duty it is to provide the information.” See Ind. Code § 5-14-3-1. The Putnam County Convention and Visitor Bureau is a public agency for the purposes of the APRA. See Ind. Code § 5-14-3-2(n)(1). Any person has the right to inspect and copy the Bureau’s public records during regular business hours unless the

records are protected from disclosure as confidential or otherwise exempt under the APRA. See Ind. Code § 5-14- 3-3(a).

It appears as if your request has been fulfilled, however, you take exception with the fee charged - \$20.00 for twenty pages. Ind. Code § 5-14-3-8 sets the fee schedule for black and white copies at \$.10 per page. Included in the Bureau's response is a copy of a notice setting copy fees at \$1.00 per page, effective July 1, 1999 and cites Ind. Code § 33-19-6.

This appears problematic because Title 33 Article 19 of the Indiana Code, which relates to court fees, has been repealed. The repeal was effective July 1, 2004. Ind. Code § 5-14-3-8 is the controlling statute. The charged fee is in excess of the maximum amount allowed by law.

### **CONCLUSION**

Based on the foregoing, it is the Opinion of the Public Access Counselor the Putnam County Convention and Visitor Bureau has violated the Access to Public Records Act.

Regards,

A handwritten signature in black ink, appearing to read 'LHB', with a long, sweeping underline that extends to the left and then curves back under the signature.

Luke H. Britt  
Public Access Counselor

Cc: Ms. Karla Lawless